

2791. Adulteration and misbranding of extract of peppermint. U. S. v. Victor Gautier & Co.
Plea of guilty. Fine, \$15. (F. & D. No. 2331. I. S. No. 3049-c.)

On July 31, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Victor Gautier & Co., a corporation, New York, N. Y., alleging the sale by said defendant, on September 8, 1910, for shipment in interstate commerce, of a quantity of so-called extract of peppermint which was adulterated and misbranded within the meaning of the Food and Drugs Act. It was also alleged that the purchaser of the product, on September 8, 1910, shipped the product as aforesaid from the State of New York, through the State of New Jersey, into the State of New York. The product was labeled: "Peppermint. Fine Old Extract Peppermint. Henry Franklin & Co. These goods are guaranteed pure and are distilled under the most modern and improved methods."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Oil of peppermint, 0.50 per cent; color, artificial, Naphthol Yellow S; ethyl alcohol, 39.30 per cent. Adulteration of the product was alleged in the information for the reason that a substance other than extract of peppermint, to wit, a solution of alcohol and water, was substituted in part for the article and in that a certain substance other than extract of peppermint, to wit, a dilute solution of alcohol and water, had been mixed and packed with the article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding of the product was alleged for the reason that the label set forth above, regarding the article and the substances and ingredients contained therein, was false and misleading and the product was labeled so as to deceive and mislead the purchaser in that said label would indicate that the product was a true extract of peppermint, whereas, in truth and in fact, it was not a true extract of peppermint but was a mixture of extract of peppermint and alcohol and water, colored with Naphthol Yellow.

On October 22, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., February 10, 1914.

2792. Adulteration and misbranding of vinegar. U. S. v. Amazon Vinegar & Pickling Works.
Plea of guilty. Fine, \$10 and costs. (F. & D. No. 2438. I. S. No. 10040-c.)

On October 2, 1912, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Amazon Vinegar & Pickling Works, a corporation, Davenport, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 3, 1910, from the State of Iowa into the State of Illinois, of a quantity of beet sugar vinegar which was adulterated and misbranded. The product was labeled: "Mfg. for W. A. Jordan & Co., Knox Beet Sugar Vinegar, 49 Galls, Galesburg, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Solids (grams per 100 cc).....	1.674
Nonsugar solids (grams per 100 cc).....	.732
Reducing sugar, invert after inversion (grams per 100 cc).....	.942
Ash (grams per 100 cc).....	.218
Ash, soluble in water (grams per 100 cc).....	.182
Ash, insoluble in water (grams per 100 cc).....	.036
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	15.0
Acid, as acetic (grams per 100 cc).....	4.56
Fixed acid, as malic (grams per 100 cc).....	.023

Glycerol (grams per 100 cc).....	0. 012
Color (degrees, brewer's scale, 0.5 inch)	4
Total phosphoric acid as P ₂ O ₅ (mg per 100 cc).....	4. 32

Adulteration of the product was alleged in the information for the reason that a product distilled from beet sugar sirup had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the article (beet sugar vinegar). Misbranding of the product was alleged for the reason that the label above set forth represented it to be a beet sugar vinegar, which is understood by the trade and public generally to be a product made by the alcoholic and subsequent acetous fermentations of solutions of beet sugar or beet sugar sirup, when, in truth and in fact, the product was prepared by distillation and was artificially colored in a manner to conceal its inferiority, the label in question being false and misleading and such as to deceive the purchaser into the belief that he was purchasing a genuine beet sugar vinegar conforming to the commercial concept above set forth, when, in truth and in fact, he was purchasing an imitation of said article offered for sale under the distinctive name of said other article (beet sugar vinegar).

On April 25, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 10, 1914.*

2793. Misbranding of mincemeat. United States v. H. C. Christy Co. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 2488. I. S. No. 11825-c.)

On October 4, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. C. Christy Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 9, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of mincemeat which was misbranded. The product was labeled: "Mince Meat. Macrisco Brand. We guarantee all goods put up under this brand the finest possible to pack. Dealers are authorized to return purchase money if not as represented. Contains one-tenth of 1% Benzoate of Soda. The H. C. Christy Co., Cleveland, Ohio."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the presence of 16.69 per cent of commercial glucose. Misbranding of the product was alleged in the information for the reason that the label thereon was intended and would create the impression that the product was pure mincemeat of the finest quality, conforming to the commercial concept for such product, whereas, in truth and in fact, it contained an added ingredient, to wit, commercial glucose, which was not a normal constituent thereof and the presence of which was not declared upon the label. Misbranding was alleged for the further reason that the label on the product was false and misleading, in that it would deceive and mislead the purchaser thereof to believe that the article so labeled and branded as aforesaid was pure mincemeat of the finest quality, conforming to the commercial concept for such product, whereas, in truth and in fact, it contained an added ingredient, to wit, commercial glucose, which was not a normal constituent thereof and the presence of which was not declared upon the label.

On May 16, 1913, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$200 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 10, 1914.*